

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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CLERK-ALBUQUERQUE

Brenda Taite, pro se

Civil Action---13-792-JAP/SMV

Plaintiff

vs.

Theresa Ramos, Individual and Official Capacity,

University of New Mexico Board of Regents,

PLAINTIFF DEMANDS A JURY TRIAL

**NOTICE OF APPEAL TO TENTH CIRCUIT COURT OF APPEALS FOR THE DISMISSAL OF
PLAINTIFF'S FIRST AMENDED COMPLAINT AGAINST THERESA RAMOS AND THE UNVIERSITY
OF NEW MEXICO BOARD OF REGENTS**

The plaintiff would like to appeal the Court's July 31, 2015 opinion and order **Document Number 89** that her complaint is to be dismissed. The Plaintiff respectfully objects to the dismissal of her complaint because the Court's July 31, 2015 opinion and order are contradictory to the Tenth Circuit Court of Appeals Order and Judgment, which was dated July 8, 2015. The New Mexico District Court Memorandum Opinion and Order states that the Tenth Circuit was leaning toward finding in Ms. Ramos favor on a §1983 Fourteenth Amendment Claim. *See id. at 6* The plaintiff respectfully disagrees. The Tenth Circuit Court of Appeals stated that, "Under different circumstances, we might remand the case to the district court to

enter judgment for Ms. Ramos on the § 1983 claim. But neither the court nor the parties have been afforded an opportunity to examine the issue and explain their respective positions concerning the court's characterization of the §1983 claim under the principles announced in *Notari* and *Polson*." Here, the Tenth Circuit Court of Appeals did not say that they were going to rule in Ramos' favor and nor did the opinion state to dismiss the Plaintiff's complaint. The Tenth Circuit Court of Appeals, Order and Judgment stated that neither party has had an opportunity to examine issues. The District Court has made a great leap in stating that the Tenth Circuit was going to rule in Ramos' favor when neither side has had an opportunity to examine the issues. More than that, the Tenth Circuit did not state that the Plaintiff's complaint should be dismissed.

The Plaintiff at this time, respectfully moves for an appeal to the Tenth Circuit Court of Appeals for the dismissal of her first amended complaint against Theresa Ramos and the University of New Mexico Board of Regents. The District Court's actions of dismissing my complaint are antithetical to the Tenth Circuit Court of Appeals Order and Judgment issued on July 8, 2015, in the case of Brenda Taite, Plaintiff-Appellee, versus Theresa Ramos, individually and in her official capacity, Defendant—Appellant, and University of New Mexico Board of Regents, Defendant.

Respectfully submitted,



Brenda Taite
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August 4, 2015

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of August, 2015, I mailed the foregoing Notice of Appeal to the defendants' counsel of record, Jason J. Lewis, 2501 Rio Grande Blvd., NW, Suite-B, Albuquerque, New Mexico 87104.

Blenda Tuite


Brenda Lake
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MONTGOMERY AL 360

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it has a song
answer, it sings
because it can
sing

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